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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,546	08/27/2003	Anindya Deb	199-0325	5520

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EXAMINER

GUTMAN, HILARY L

ART UNIT PAPER NUMBER

3612

DATE MAILED: 08/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/649,546	Applicant(s) DEB ET AL.	
	Examiner Hilary Gutman	Art Unit 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9*15/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer in view of Moore et al., Bohm et al., and Maruyama et al.

Fischer (6,106,055) discloses a motor vehicle comprising: a vehicle body 18; a headliner 16 disposed in an interior of the vehicle body, the headliner having a surface facing the interior; and a grab handle 24 having ends and being non-rotatable. In addition, a fastener 42, 44, 46 extends through each end of the grab handle and the headliner. The grab handle comprises an inner strap extending longitudinally and an outer cover disposed over a majority of a length of the inner strap. An end cap 34 covers

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each end of the outer cover. The grab handle has ends disposed longitudinally along the headliner and mounted to a surface forming the headliner. The grab handle assembly is disposed along the vehicle roof near a door opening.

Fischer lacks specifically the inner strap being metal and the outer cover being plastic.

Moore et al. (3,977,054) teach a grab handle for a motor vehicle comprising a metal (steel) inner strap 38 and a plastic outer cover 26 (as seen in the figures).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the inner strap and outer cover of Fischer to be made of metal and plastic, respectively, as taught by Moore et al. in order to optimize the strength and flexibility of the grab handle.

Fischer, as modified, lacks the grab handle being disposed in a recess of the headliner extending away from the surface toward the vehicle body wherein the ends or end caps of the grab handle are disposed within the recess.

Bohm et al. (6,367,872) teach a motor vehicle comprising: a vehicle body; a headliner disposed in an interior of the vehicle body, the headliner having a surface facing the interior and a recess (Figure 11) extending away from the surface toward the vehicle body; a grab handle 21 having ends disposed in the recess. A fastener 22 extends through each end of the grab handle and the headliner. An end cap, generally 20, is disposed in the recess. The handle has ends disposed longitudinally within the recess of the headliner and mounted to a surface forming the recess of the headliner.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a recess as taught by Bohm et al. within the

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headliner of Fischer and further to have provided the ends or end caps of the grab handle of Fischer, as modified, within the recess in order to conveniently dispose the handle out of the way to create an aesthetically pleasing appearance within the interior of the vehicle.

Fischer, as twice modified, lacks the grab handle disposed at all of a front portion, a rear portion, a driver side portion, and a passenger side portion of the vehicle.

Maruyama et al. (6,419,307) teach a motor vehicle having a vehicle body 5, a headliner 2, and grab handles 3 (Figure 7) wherein the grab handles can be positioned at both front and rear portions as well as on both sides of the vehicle including a driver side and a passenger side.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the grab handle of Fischer, as twice modified, at front and rear portions of the vehicle as taught by Maruyama et al. as well as at either side of the vehicle (driver side and passenger side) as taught by Maruyama et al. in order to provide assistance to all occupants of the vehicle be it the driver, a front passenger side occupant, a rear driver side occupant, or a rear passenger side occupant.

4. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bohm et al. in view of Moore et al. and Maruyama et al.

Bohm et al. (6,367,872) disclose a motor vehicle comprising: a vehicle body; a headliner disposed in an interior of the vehicle body, the headliner having a surface facing the interior and a recess (Figure 11) extending away from the surface toward the vehicle body; a grab handle 21 having ends disposed in the recess. A fastener 22 extends

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through each end of the grab handle and the headliner. An end cap, generally 20, is disposed in the recess. The handle has ends disposed longitudinally within the recess of the headliner and mounted to a surface forming the recess of the headliner.

Bohm et al. lack the handle being non-rotatable and having an inner strap and outer cover.

Moore et al. (3,977,054) teach a motor vehicle comprising: a vehicle body (Fig 2); and a grab handle 10 having ends and being non-rotatable. The grab handle comprises a metal inner strap 38 extending longitudinally and a plastic outer cover 26 disposed over a majority of a length of the inner strap. An end cap (not numbered but seen in Figure 2) covers each end of the outer cover. The grab handle is applied to the vehicle interior and is disposed above a rear window for passenger egress from a rear seat (Figure 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the handle of Moore et al. upon the vehicle of Bohm et al. in place of the rotatable handle of Bohm et al. in order to provide a simpler design of the handle, in order to reduce the number of components of the handle (thereby allowing for faster assembly and installation of the handle in the vehicle), and in order to aid passengers egress from the vehicle.

Bohm et al., as modified, lack the handle being positioned at all of a front portion, a rear portion, a driver side portion, and a passenger side portion.

Maruyama et al. (6,419,307) teach a motor vehicle having a vehicle body 5, a headliner 2, and grab handles 3 (Figure 7) wherein the grab handles can be positioned at both front and rear portions as well as on both sides of the vehicle including a driver side and a passenger side.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the grab handle of Bohm et al., as modified, at front and rear portions of the vehicle as taught by Maruyama et al. as well as at either side of the vehicle (driver side and passenger side) as taught by Maruyama et al. in order to provide assistance to all occupants of the vehicle be it the driver, a front passenger side occupant, a rear driver side occupant, or a rear passenger side occupant.

Response to Arguments

5. Applicant's arguments filed 6/10/04 have been fully considered but they are not persuasive.

With regard to the information disclosure statement, copies of the foreign references have been received and have been considered.

With regard to the claim objections, the amendments have obviated these objections.

With respect to the prior art rejections using Fischer, Moore, Bohm, and Maruyama, and in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The applicant argues that Fischer does not disclose a grab handle having ends disposed within a recess of a headliner, but the well known prior art (Bohm) teaches this feature of the invention as stated in the rejection set forth above. The applicant continues

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to argue that Moore does not disclose a grab handle having ends disposed within a recess of a headliner, but this reference is being used to teach that the well known prior art includes grab handles comprising a metal (steel) inner strap and a plastic outer cover.

With regard to the argument that Bohm does not disclose a grab handle disposed within a recess of a headliner, the examiner disagrees and believes the reference clearly shows this feature of the invention (as seen in Figure 11).

The applicant further argues that Maruyama et al. does not disclose a grab handle having ends disposed within a recess of a headliner. However, the examiner is using this reference to teach that it is well known in the prior art to place grab handles throughout the vehicle at appropriate and convenient locations including at both front and rear portions as well as both sides of the vehicle including a driver side and a passenger side.

In response to applicant's argument that there is no suggestion to combine the references (Fischer, Moore, Bohm et al., and Maruyama et al.), the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, with regard to Fischer and Moore, the well known prior art teaches the desirability of optimizing the strength and flexibility of the grab handle through the use of different materials. For Fischer and Bohm, the prior art teaches the desirability of locating a handle in an "out of the way" position to maximize free space in the vehicle and to create an aesthetic appearance within the interior thereof. For

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Fischer and Maruyama, the reference shows the desirability of multiple grab handles throughout the vehicle at convenient locations to provide assistance to all occupants of the vehicle.

In response to applicant's argument that there is no suggestion to combine the references (Bohm et al., Moore, and Maruyama et al.), the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, with regard to Bohm and Moore, non-rotatable handles are well known in the prior art and are desirable to aid passengers egress from the vehicle. With regard to Bohm and Maruyama et al., the Maruyama et al. reference shows the desirability of multiple grab handles throughout the vehicle at convenient locations to provide assistance to all occupants of the vehicle.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

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Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hilary Gutman whose telephone number is 703-305-0496.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 703-308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

8. **Any response to this final action should be mailed to:**

Box AF

Assistant Commissioner for Patents


Washington, D.C. 20231

or faxed to:

(703) 872-9327, (for formal communications; please mark "EXPEDITED
PROCEDURE")

or:

(703) 746-3515, (for informal or draft communications, please clearly
label "PROPOSED" or "DRAFT").


D. GLENN DAYOAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600
8/4/09